

# EXHIBIT H

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**From:** [John Ryan](#)  
**To:** [Jon Kelley](#); [Jeremy Fielding](#); [Rebecca Adams](#)  
**Cc:** [Nathan Wilcox](#); [LPCH Aptive](#)  
**Subject:** RE: Village of East Rockaway's Solicitation Ordinance  
**Date:** Wednesday, June 5, 2019 7:24:12 AM

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If such an ill-advised lawsuit is filed, the Village will seek sanctions. This e-mail will be added as an Exhibit to the motion I am preparing in the Floral park matter.

John E. Ryan, Esq.  
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**From:** Jon Kelley <[jkkelley@lynllp.com](mailto:jkkelley@lynllp.com)>  
**Sent:** Tuesday, June 04, 2019 7:16 PM  
**To:** Jeremy Fielding <[jfielding@lynllp.com](mailto:jfielding@lynllp.com)>; John Ryan <[JRyan@RBDLLP.net](mailto:JRyan@RBDLLP.net)>; Rebecca Adams <[radams@lynllp.com](mailto:radams@lynllp.com)>  
**Cc:** Nathan Wilcox <[n.wilcox@goaptive.com](mailto:n.wilcox@goaptive.com)>; LPCH Aptive <[LPCHAptive@lynllp.com](mailto:LPCHAptive@lynllp.com)>  
**Subject:** RE: Village of East Rockaway's Solicitation Ordinance

John,

We have not received any response as to whether East Rockaway will suspend the solicitation restrictions challenged in our letter of May 20. As we have explained time and again, a lawsuit is always our last resort. We would far prefer to simply work through this issue with the Village, and find some mutually agreeable solution that might protect our first amendment freedoms while allowing the Village the time it needs to amend its ordinance. But the Village has neither agreed to amend its ordinance or suspend its enforcement through an interim agreement, and we can wait no longer while it continues to enforce an unconstitutional ordinance.

Accordingly, Aptive intends to file a lawsuit and a TRO against East Rockaway this *Thursday June 6<sup>th</sup>* unless we receive your written confirmation by tomorrow at noon EST that the Village will immediately suspend enforcement of 1) its 5:00 p.m. solicitation curfew; 2) its \$2,500 bond requirement; and 3) its unconstitutional licensing process.

Absent such confirmation, Aptive will promptly file a lawsuit and TRO against East Rockaway on Thursday the 6<sup>th</sup> in the Eastern District of New York, seeking an injunction enjoining the above provisions of Section 171 of the Village code. Please be advised that if Aptive is forced to file this lawsuit and the Village later elects to repeal the offending provisions of its ordinance, Aptive will

not agree to settlement of this matter without the Village paying the legal fees Aptive incurs in the filing of the lawsuit.

Thanks,  
Jon

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**From:** Jeremy Fielding <[jfielding@lynnlp.com](mailto:jfielding@lynnlp.com)>  
**Sent:** Tuesday, May 21, 2019 10:31 AM  
**To:** John Ryan <[JRyan@RBDLLP.net](mailto:JRyan@RBDLLP.net)>; Rebecca Adams <[radams@lynnlp.com](mailto:radams@lynnlp.com)>  
**Cc:** Nathan Wilcox <[n.wilcox@goaptive.com](mailto:n.wilcox@goaptive.com)>; LPCH Aptive <[LPCHAptive@lynnlp.com](mailto:LPCHAptive@lynnlp.com)>  
**Subject:** Re: Village of East Rockaway's Solicitation Ordinance

What's the best number?

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**JEREMY FIELDING**, Partner  
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Dallas, Texas 75201  
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**From:** John Ryan <[JRyan@RBDLLP.net](mailto:JRyan@RBDLLP.net)>  
**Date:** Tuesday, May 21, 2019 at 6:31 AM  
**To:** Jeremy Fielding <[jfielding@lynllp.com](mailto:jfielding@lynllp.com)>, Rebecca Adams <[radams@lynllp.com](mailto:radams@lynllp.com)>  
**Cc:** Nathan Wilcox <[n.wilcox@goaptive.com](mailto:n.wilcox@goaptive.com)>, LPCH Aptive <[LPCHAptive@lynllp.com](mailto:LPCHAptive@lynllp.com)>  
**Subject:** RE: Village of East Rockaway's Solicitation Ordinance

ok

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**From:** Jeremy Fielding <[jfielding@lynllp.com](mailto:jfielding@lynllp.com)>  
**Sent:** Monday, May 20, 2019 10:50 PM  
**To:** John Ryan <[JRyan@RBDLLP.net](mailto:JRyan@RBDLLP.net)>; Rebecca Adams <[radams@lynllp.com](mailto:radams@lynllp.com)>  
**Cc:** Nathan Wilcox <[n.wilcox@goaptive.com](mailto:n.wilcox@goaptive.com)>; LPCH Aptive <[LPCHAptive@lynllp.com](mailto:LPCHAptive@lynllp.com)>  
**Subject:** Re: Village of East Rockaway's Solicitation Ordinance

John:

I can call you tomorrow afternoon. How about 3pm EST?

---

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**From:** John Ryan <[JRyan@RBDLLP.net](mailto:JRyan@RBDLLP.net)>

**Date:** Monday, May 20, 2019 at 2:29 PM

**To:** Rebecca Adams <[radams@lynllp.com](mailto:radams@lynllp.com)>

**Cc:** Nathan Wilcox <[n.wilcox@goaptive.com](mailto:n.wilcox@goaptive.com)>, Jeremy Fielding <[jfielding@lynllp.com](mailto:jfielding@lynllp.com)>, LPCH Aptive <[LPCHAptive@lynllp.com](mailto:LPCHAptive@lynllp.com)>

**Subject:** RE: Village of East Rockaway's Solicitation Ordinance

Please have Mr. Fielding call me.

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**From:** Rebecca Adams <[radams@lynllp.com](mailto:radams@lynllp.com)>

**Sent:** Monday, May 20, 2019 3:26 PM

**To:** John Ryan <[JRyan@RBDLLP.net](mailto:JRyan@RBDLLP.net)>

**Cc:** Nathan Wilcox <[n.wilcox@goaptive.com](mailto:n.wilcox@goaptive.com)>; Jeremy Fielding <[jfielding@lynllp.com](mailto:jfielding@lynllp.com)>; LPCH Aptive <[LPCHAptive@lynllp.com](mailto:LPCHAptive@lynllp.com)>

**Subject:** RE: Village of East Rockaway's Solicitation Ordinance

Mr. Ryan,

In light of the unconstitutional portions of the statute outlined in Mr. Fielding's letter, he does believe that it is necessary for East Rockaway to amend its ordinance. To assist in this process, I've attached a model ordinance that we suggest for the Village's amendment.

Aptive understands that the amendment process can take time. Because Aptive's selling season has already begun, the timing of this issue matters a great deal to our client. For that reason, we ask that the Village execute the attached Interim Agreement no later than June 1<sup>st</sup> so Aptive can avoid incurring any additional lost profits and the Village can take the time it needs to consider an amendment. Please let us know if you have any questions or comments about the draft agreement.

Thank you,  
Rebecca

**REBECCA ADAMS | Attorney**

**LynnPinkerCoxHurst**

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**From:** John Ryan <[JRyan@RBDLLP.net](mailto:JRyan@RBDLLP.net)>  
**Sent:** Monday, May 20, 2019 1:56 PM  
**To:** Rebecca Adams <[radams@lynllp.com](mailto:radams@lynllp.com)>  
**Cc:** Nathan Wilcox <[n.wilcox@goaptive.com](mailto:n.wilcox@goaptive.com)>; Jeremy Fielding <[jfielding@lynllp.com](mailto:jfielding@lynllp.com)>; LPCH Aptive <[LPCHAptive@lynllp.com](mailto:LPCHAptive@lynllp.com)>  
**Subject:** RE: Village of East Rockaway's Solicitation Ordinance

I am the Village Attorney for East Rockaway. Based on my experience with your firm as Village Attorney for Floral Park, I could recommend to the East Rockaway Trustees that they amend their Code the same way Floral Park, Bellerose and other Villages in New York have in response to the same letters sent to them by your firm. I am requesting that Mr. Fielding advise whether he thinks that will be necessary.

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**From:** Rebecca Adams <[radams@lynllp.com](mailto:radams@lynllp.com)>  
**Sent:** Monday, May 20, 2019 2:34 PM  
**To:** John Ryan <[JRyan@RBDLLP.net](mailto:JRyan@RBDLLP.net)>

**Cc:** Nathan Wilcox <[n.wilcox@goaptive.com](mailto:n.wilcox@goaptive.com)>; Jeremy Fielding <[jfielding@lynllp.com](mailto:jfielding@lynllp.com)>; LPCH Aptive <[LPCHAptive@lynllp.com](mailto:LPCHAptive@lynllp.com)>  
**Subject:** Village of East Rockaway's Solicitation Ordinance

Mr. Ryan,

Please see the attached correspondence from Jeremy Fielding regarding the Village of East Rockaway's solicitation ordinance.

Thank you,  
Rebecca

**REBECCA ADAMS | Attorney**

**LynnPinkerCoxHurst**

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